

LIFELONG RIGHTS

FOR CARE EXPERIENCED PEOPLE





Contents

<u>Foreword</u>	3
<u>Lifelong Rights for All</u>	4
Existing Data and Evidence	5
Our Data and Evidence	8
Support Beyond 26	9
Stigma and Discrimination	12
The Case for Policy Change	14
<u>The Campaign</u>	15
What We're Already Doing	16
Our Calls for Change	18
<u>References</u>	21



Lifelong Rights For Care Experienced People



Care Experienced people have a right to access supportive, caring services for as long as they require

them.

The Promise, 2020; 92

There is more we can and should be doing to Keep Our Promise to Scotland's Care Experienced people, because we know care experience is lifelong.

First Minister Humza Yousaf MSP 8 June 2023





Foreword

For the past 45 years, Who Cares? Scotland has endeavoured to be at the heart of the Care Experienced community in Scotland. In 2022, we launched a new strategic plan following consultation with our staff, the Care Experienced community, volunteers and partners. 'Our Voice, Our Community, Our Future' renewed our commitment to a lifetime of equality, respect and love for Care Experienced people.

When we ensure everyone in our community has access to the support they need, when they need it, everyone benefits. However, our learning from our work since we were founded by a group of social workers and Care Experienced people in 1978, tells us that **Care Experienced people, from birth to old age, continue to have their rights diluted, infringed, or disregarded altogether**.

Our commitment to recording and evidencing what we hear from Care Experienced people reinforces the limited national data available, which shows that Care Experienced people currently do not have the same life outcomes as their non Care Experienced peers.

Almost four years on from the publication of The Promise, in February 2020, we have continued to listen to, and work with, the Care Experienced community. We do this through participation and advocacy, including our National Advocacy Helpline which is available for Care Experienced people of any age. We consistently hear that Care Experienced adults are being left to struggle and face stark inequalities in areas including health, socio-economic deprivation, education, employment and housing.

In the 1979 first edition of our inhouse publication, SpeakOut, our members told us that care has a lifelong impact; that when you leave care it doesn't leave you. **Care Experienced people of all ages must be seen and heard as a group of rights holders,** and given the right scaffolding of support and legal protection, throughout their lifetime, if we are to reduce the inequalities they face.

That is why we are launching this report alongside a new campaign for lifelong rights for all Care Experienced people. It is time to remind Scotland of the promises it made to the adults it raised.

Our Calls to Action

A lifetime of equality for Care Experienced people by having:

- Extra protection for Care Experienced people of all ages to access their rights.
- Independent, relationship-based, lifelong advocacy for every Care Experienced person in Scotland who needs it.

Louise Hunter, CEO, Who Cares? Scotland

Lifelong Rights for All

Who Cares? Scotland uses the term 'Care Experienced people'. When it comes to care, there are many different phrases and terms used with different definitions. These often do not recognise the lifelong impact that care can have and create further inequality.

There are many reasons why children and young people are taken into care. Through no fault of their own, their families may be struggling to be the best parents they can be due to a number of factors such as the rising tides of poverty and the state has made the decision to intervene. The state then has a responsibility to ensure these young people have all they need to thrive.

We are calling for lifelong rights for ALL Care Experienced people, regardless of age, or when supervision orders are removed. This means anyone who is, or has been, in care for any period of time. This can be in a range of settings.



Looked After At Home



Foster Care



Adoption



Secure Care



Residential Care



Kinship Care

This also extends to those who come into the country as unaccompanied minors seeking asylum, and those who discover that they do not have British citizenship after their supervision order is removed.



You get to a certain age and it feels like there isn't anyone that truly cares anymore. When you turn a certain age it feels like all the support has stopped.



Care Experienced person

(Who Cares? Scotland's Summer of Participation, 2023)





EXISTING DATA AND EVIDENCE



Existing Data and Evidence

Life after care can be vastly different between each Care Experienced person. The data and research available highlights the stark inequalities this group faces compared to their non-Care Experienced peers.

Evidence shows that Care Experienced people have vastly different life outcomes compared to non-Care Experienced people... Because of the lifelong impact of care experience and its impact on people's earnings, opportunities, and reliance on public services across their lives, protection of Care Experienced people's rights is needed beyond childhood.

(Scott, 2023; 8)

In 2020, The Independent Care Review published that Care Experienced people in Scotland are:

- Almost twice as likely to have poor health,
- More than twice as likely to have experienced homelessness,
- Over twice as likely to have no educational qualifications and less than half the chance of having a degree,
- Over one and a half times more likely to have financial difficulties,
- Over one and a half times more likely to experience severe multiple, disadvantage (homelessness, substance use, mental health, offending, domestic abuse).

(<u>The Money report, 2020; 10</u>)

Almost four years on from the publication of these figures, we continue to hear from Care Experienced people that they are experiencing the impact of being in care long after they have left the system.

The Scottish Child Abuse Inquiry, which has cost almost £72 million so far, was set up to run from 2014–2018 but, it has been unable to wind down due to the number of survivors coming forward. The human costs borne by Care Experienced people themselves are the most significant costs of all. It is clear that there is a lifelong impact of care, but we are not recognising and treating it as such.



In June 2023, Ipsos and The Trussell Trust published research showing:



20%

Care Experienced people make up one in five (20%) of people referred to food banks in the Trussell Trust network in Scotland

(Hunger in Scotland report, 2023; 31)

There is a clear and pervasive inequality for Care Experienced people that reaches beyond the statutory support currently provided to them. The Independent Care Review found that, while Scotland spends £942 million each year to deliver the care system, there is a further £198 million spent each year via universal services to meet unmet needs (Independent Care Review, 2020; 2).

Arbitrary definitions, and financial pressures, too often result in cliff edges of support for those looked after by the state. For Care Experienced people, this means being caught in a trap of severe and multiple disadvantages, including domestic abuse, mental ill health, substance use, being involved in the criminal justice system and rough sleeping (<u>Hard Edges Scotland, 2019</u>).

The Scottish Government has made strong pledges to address the drug deaths and suicide crises the nation is suffering. There needs to be a recognition of the impact of trauma on Care Experienced people within this.

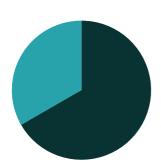
The impact of the state intervening in your life as a child or young person has consequences, some positive and some negative, too often negative! A shift is required to move from surviving care and its impact and creating increased opportunity to thrive post care and throughout life.

Care Experienced Person (Navigating the World of Rights, 2020; 24)



OUR DATA AND EVIDENCE





Support Beyond 26

2 out of 3 Care Experienced adults had a negative experience when leaving care.

(Who Cares? Scotland's Summer of Participation, 2023)

Throughout the summer of 2023, we surveyed over 200 Care Experienced people across Scotland. They told us that, for many of them, they were not ready to leave care when it happened. Several factors contributed to this, and many said it happened too fast; sometimes literally overnight. Other contributing factors included; a lack of a safety net to rely on, issues with statutory support services, and some feeling too young.

In 2021, <u>research from Barnardo's</u> reported that the average age a young person leaves the family home in the UK, is 23. However, <u>CELCIS</u> have stated that Care Experienced people are expected to do this much earlier. The average age of leaving care is between 16 and 18.

Case Study

Gary is 26 years old. He recently lost his job and was subsequently evicted. He was placed in temporary accommodation where he was attacked. The stress of his situation caused Gary to begin drinking alcohol again and led to Gary being charged with a breach of the peace. As he had broken the rules of the temporary accommodation, he was asked to leave. Gary began sleeping on the street and his problem with alcohol has worsened.

The homeless street team realised that Gary was Care Experienced, but they weren't sure whether this would entitle him to any support, so they called the Who Cares? Scotland National Advocacy Helpline. Gary was allocated a lifelong advocate, who contacted his council to highlight why temporary accommodation was unsuitable for Gary, given his trauma, and secured him a private furnished flat. Now that Gary has somewhere to call home, his lifelong advocate has referred him to the local drug and alcohol service, and has helped him apply for Universal Credit, Housing Benefit, Council Tax Reduction and Adult Disability Living Payment.

With the support of his lifelong advocate, Gary has now started looking for jobs again. The advocate has written a letter for Gary's lawyer about the lifelong impact of being Care Experienced, and the need for trauma informed justice, which they hope will strengthen his case. Sometimes he still struggles with his mental health, but he knows he can always call the helpline for a chat and a listening ear.

Composite case study from Who Cares? Scotland helpline data.

Our National Advocacy Helpline was set up during the pandemic due to the impact of the restrictions on our members' rights and wellbeing. It has since become a permanent feature—due to the demand, and is the only service in Scotland to offer specialist information, advocacy, and a non-judgemental listening ear to Care Experienced people without an age cap. Since its launch in 2020, our Helpline has taken over 3,500 calls. The top six issues, in order, that Care Experienced people contact the Helpline for pertain to:

1 Finance

(i.e. applying for benefits, needing help with paperwork, Care Experienced bursary, support with managing debt and accessing services to help.)

2 Education and Training

(i.e. accessing support to remain in education, support with applications, understanding their options and choices, careers, advice and guidance.)

3 Housing

(i.e. homelessness, support with moving to new tenancies, complaints and any issues relating to current living circumstances such as rent or maintenance of housing.)

4 Legal

(i.e. support with subject access requests to obtain their records, complaints, support with reading and ensuring appropriate other services are accessed.)

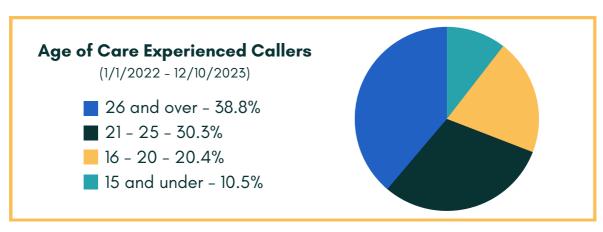
5 Health and Wellbeing

(i.e. support with mental and physical health, support accessing health professionals, support as a parent.)

6 Dissatisfaction with service

(i.e. support with complaints, upholding rights and ensuring those responsible are held accountable.)

The largest group of Care Experienced people supported by the Helpline are aged 26 and over. The majority of callers aged 16–20 are Care Experienced people who are not recognised as 'Care Leavers' under the 2014 Children and Young People (Scotland) Act and therefore cannot access support from throughcare and aftercare services.





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I have done most things in my life on my own and didn't realise there was anywhere that I could have went because I have been in care. Thank you so much, even if you can't get the outcome I hope for, I am so thankful that you have listened and cared to help me.

Care Experienced person (National Advocacy Helpline Feedback, 2023)

Case Study

Ellen is a 20-year-old mum and is affected by the young parent penalty to her Universal Credit. She works part-time but can't afford more childcare and doesn't have any family to help look after her 2-year-old daughter. Her daughter has been ill, and Ellen is worried it is because of the dampness in their flat. It is causing her a lot of stress. Ellen wants to ask for support but is too worried that people will think she is not a good mum, because she has been in care. Ellen was still in care when she became pregnant, and her social worker asked if she had considered a termination, because she said it was unlikely Ellen would get to keep her baby. Due to this, Ellen had decided that she couldn't take the risk of someone being judgmental and risk her daughter being removed. However, her friend then told her about the Who Cares? Scotland helpline.

Ellen was really nervous calling the helpline, but the lifelong advocate she spoke to understood what it meant to be Care Experienced, and reassured her that she was doing the right thing seeking support. They informed Ellen about extra funded childcare available because she is Care Experienced, and the advocate helped Ellen contact her housing association to address the damp and made a referral to the Aberlour Urgent Assistance Fund.

Composite case study from Who Cares? Scotland helpline data and research report Believe in us, 2022.

There is a clear need for access to lifelong independent advocacy, provided by those with specialist knowledge and understanding of care experience.

It takes knowledge, experience and confidence to hold people to account, to raise and maintain standards of service to an acceptable level, this is usually not attainable without an independent advocate. In my view

everyone needs to be held to account. It isn't good enough for anyone to be allowed the complacency to operate in the knowledge there's no real recourse for their actions if they don't provide the services they ought to.

Care Experienced person

(Who Cares? Scotland's Summer of Participation, 2023)



Stigma and Discrimination

Almost 50% of Care Experienced adults reported feeling stigmatised when receiving support.

(Who Cares? Scotland's Summer of Participation, 2023)

For hundreds of years, the media and news has played a significant role in creating stereotypes of Care Experienced people, which have a direct result on the stigma and discrimination the community faces in their daily life. These prejudices are evidenced to affect some Care Experienced people long after they have left care.

I never told anyone or talked about it until around 40 years after I left care. I was very aware of the dangers, restrictions and prejudices that the care experienced "label" would carry.

Care Experienced person (Who Cares? Scotland's Summer of Participation, 2023)

These prejudices can go onto have a profound impact when navigating through different moments in life. When we surveyed Care Experienced parents, around 67% of them told us they didn't feel comfortable asking for help from services. Many shared their perception that their experience of care would lead to an automatic referral to social work, and an assumption within the community of social work involvement.

Only 37% surveyed said that felt they were able to get the support they needed. We must do more to provide services free from judgement so that every Care Experienced person can get the help they need to be the parents they want to be (Who Cares? Scotland, Believe in Us, 2022).

I was working as a cleaner and was doing lots of jobs with no issue. A cleaner job came up in the local social work office, however I was advised that I couldn't work there as I was care experienced i.e. I might access files/info. This happened a few times where I wasn't allowed/trusted to lock up or have keys to the offices I was cleaning.

Care Experienced person (Who Cares? Scotland's Summer of Participation, 2023)



The discrimination faced by Care Experienced people isn't always easy to recognise, for example when it takes the form of indirect discrimination. However this can have just as severe an impact for Care Experienced people's lives.

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Indirect discrimination is when there's a practice, policy or rule which applies to everyone in the same way, but it has a worse effect on some people than others.

(Citizens Advice, 2020)

Dean was living in a children's home and he used to visit his mum for dinner once a week before COVID-19 lockdown measures meant this had to stop. When, the Scottish Government published guidance to let children travel between separated mum and dad's homes, who had shared custody, Dean's mum thought that they might be able to see each other again. However, the children's home said that the guidance didn't permit this. Dean felt it was unfair that other kids were able to see their mums, but he wasn't, because he was in care. His social worker said that Dean could videocall his mum, as they had organised for her to get a device through the Connecting Scotland scheme, but she hadn't been able to afford to set up Wi-Fi at her home.

Dean struggled with his mental health after not being able to see his mum, so the children's home contacted the Who Cares? Scotland helpline. After advice, the carers at his home decided to allow contact, in the absence of specific guidance for 'looked after children', but staff still felt anxious, as they weren't sure if this was the right decision.

Composite case study from Who Cares? Scotland helpline data during the pandemic, 2020.

This is just one instance of an unintended consequence, and indirect discrimination, that occurred when Care Experienced people were not considered as a distinct group of rights holders, facing particular barriers.

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Care Experienced people also face specific forms of discrimination and embedded inequality which require particular consideration and targeted intervention.

(Scott, 2023; 3)



The Case for Policy Change

Who Cares? Scotland's membership called for an independent review of the care system in 2016, that would create radical, transformational change for future generations.

It is impossible to put into words how elated I am that not only were our voices heard, action is now being taken to change and rebuild the broken care system... It makes the hard times of being in care for all care experienced people, the unnecessary pain of moving between placements, families, residential care homes, separation from siblings, the lack of support and the harsh judgement from others won't have been for nothing.

Care Experienced person (Blog for Who Cares? Scotland, 2016)

We welcome the world leading commitment in Scotland to progress the rights of all children and young people, as evidenced by the backing for incorporation of the UNCRC. We're encouraged by what is set out in The Promise Scotland's implementation plan 2021-2024 and the Scottish Government's Keeping The Promise Plan.

However, <u>The Promise</u> says that 'Scotland's parenting responsibilities are lifelong and holistic for the young people that Scotland has cared for'. It further states that 'older Care Experienced people must have a right to access supportive, caring services for as long as they require them.'

Our members tell us that it feels like progress for Care Experienced people is on the agenda. However, there is a nervousness that there may be a cut-off date of 2030, regardless of how far we've progressed.



(Care Experienced participants reviewing the Scottish Government's 'Keeping the Promise' implementation plan, June 2022)

Society is becoming more inclusive, however, often when we discuss equality, we default to protected characteristics, as laid out in the UK Equality Act (2010), as the only mechanism. Protection in the Equality Act alone should not be the only mechanism for rights protection. By following the money spent to deliver care, and spending it upstream to ensure Care Experienced people's needs are met and not left to deteriorate, we will see other areas of severe and multiple disadvantage, and inequality, reduce in our society. This will ensure that Scotland does right by its children, young people and adults.



THE CAMPAIGN



What We're Already Doing

Petitioning the Scottish Parliament

We're supporting member Jasmin-Kasaya Pilling to petition the Scottish Parliament. Her <u>petition</u> calls on the Scottish Parliament to urge the Scottish Government to:

- Extend aftercare provision in Scotland to 'previously looked after' young people, who left care before their 16th birthday, on the basis of individual need;
- Extend continuing care throughout Care Experienced people's lives, on the basis of individual need; and
- Ensure Care Experienced people are able to enjoy lifelong rights and achieve equality with non-Care Experienced people. This includes ensuring that the UN Convention on the Rights of the Child and the findings of The Promise are fully implemented in Scotland.

If you haven't already done so, please <u>sign your name to Jasmin's petition</u> to show your support.



The Scottish Human Rights Bill

Our response to the Scottish Government's public consultation on the Human Rights Bill (October 2023) calls on the Scottish Government to ensure the Bill includes:

- An equality provision which names and explicitly protects Care Experienced people.
- A Human Rights Scheme which states that there should be independent advocacy for people whose rights are most at risk, specifying Care Experienced people.



Our evidence was drawn from our Summer of Participation 2023, and research from Dr David Scott at the University of Glasgow, <u>Incorporating International Human Rights: The protection of Care Experienced People's Rights in the Scottish Human Rights Bill</u>. We shared our response with many public bodies and third-sector organisations to ask them to support our calls.

Care Experience treated as a 'protected characteristic'

In 2022, <u>The English Care Review</u> called on the UK Government to make Care Experience a 'protected characteristic'. This is something we campaigned for in 2019, when <u>we called</u> <u>for the UK Parliament to make Care Experience a protected characteristic in the Equality Act (2010).</u>

We recognise that this isn't something that works in isolation and that legal recognition needs to come with many other supporting factors. However, the use of Equality Impact Assessments are vital to better understand and monitor the range and magnitude of inequality experienced by Care Experienced people, and to mitigate against it.

In Scotland, we have also been encouraging Corporate Parents, and those who work with Care Experienced people, to <u>treat Care Experience as a protected characteristic</u>. There are already organisations in Scotland that have taken measures to add care experience to their own organisation's Equality Impact Assessment processes.

When we asked members in 2019 about care experience as a protected characteristic, hundreds signed <u>our open letter</u> to the Minister for Women and Equalities in support. However given that next year will be six years on from this, we will host discussions with members next year on whether they still wish for us to pursue this as an immediate route to secure Care Experienced people extra protection in law. Alternatively, they may prefer us to prioritise pursuing other avenues already available within the Scottish Government's powers to secure extra protection for Care Experienced people's rights.

A lot of people might not realise that, for me, there was the same amount of stigma, the same damaging stereotypes, and the same fear surrounding the exposure of the Care Experienced part of my identity, as the LGBTQI part ... I think if Care Experienced people get protected characteristic status, people will realise that it's not okay to treat us differently just because we've been in care, and support us to be who we are, too.

Care Experienced person
(Blog for Who Cares? Scotland on a Lifetime of Equality, 2018)

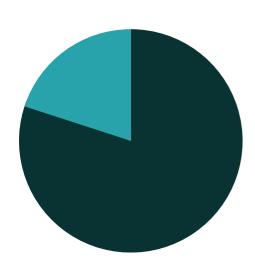


Our Calls for Change

Despite what has been laid out in this report, there is work that can be done to address these problems. Change is not just necessary, but very possible, and within reach with a different approach. To achieve equality with their non-Care Experienced peers, we have identified two campaign calls. These are:

 Extra protection for Care Experienced people of all ages to access their rights.

Rights for Care Experienced people must be laid out in policy and legislation to address the additional barriers they face. Support to realise their rights must be available from the cradle to the grave. When these rights are not being met, there needs to be simple and accessible routes to justice to ensure they are upheld.



Over 80% of Care Experienced adults want extra protection for their rights in law.

(Who Cares? Scotland's Summer of Participation, 2023)

Sometimes Care Experienced people have had tough starts in life or are continuing to struggle due to their circumstances. They might not have supports that others take for granted. They should have the support and protection that is right for them. So, if extra protection and rights is appropriate, then they should get that help.

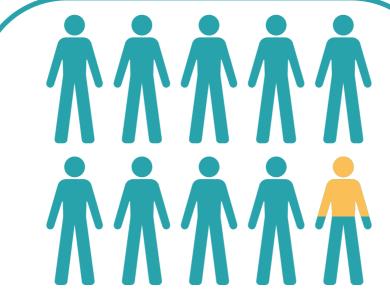
Care Experienced person (Who Cares? Scotland's Summer of Participation, 2023)



• Independent, relationship-based, lifelong advocacy for every Care Experienced person in Scotland who needs it.

Everyone experiences different hardships and struggles throughout their lifetime. During these tough times, people typically rely on different support networks. If they're having issues at work they could work with a trade union, if they need some support with legal issues they can access a lawyer. In some circumstances, family and friends can also help provide emotional support and help people have their voices heard.

For Care Experienced people, there are often many voices that surround them, such as social workers, carers and service providers, all with their own interests. For Care Experienced adults, the stigma of explaining their circumstances can hinder their confidence and voice. Everyone in our community must have the support they need to navigate life, when the rising tide of poverty, stress and other aggravating factors can set them adrift. Independent advocates can provide that support by helping make sure Care Experienced people are informed of their options, rights and ensuring they have their voices heard.



93% of Care Experienced people agree with our calls for independent, relationship based lifelong advocacy no matter their age.

Who Cares? Scotland's Summer of Participation, 2023

I felt there was no one there to listen to me or advocate for my rights, I was overwhelmed already trying to manage independent life in lieu of any support and I simply didn't have the time, strength or experience to articulate myself in a way that would be listened to.

Care Experienced person

(Who Cares? Scotland's Summer of Participation, 2023)



Who Cares? Scotland's lifelong rights campaign will need the support of everyone to create the change Care Experienced people deserve.

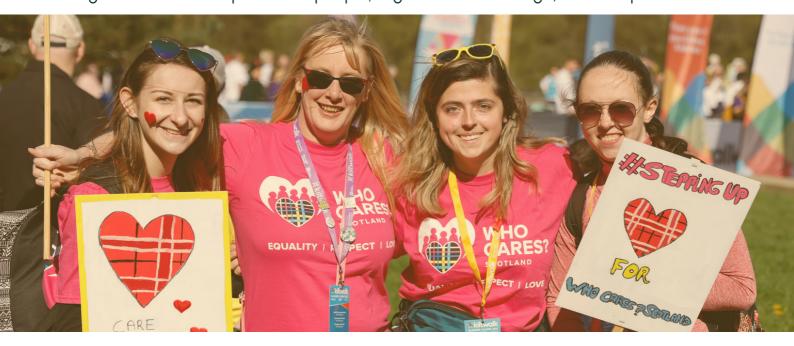
Thank you to the over 200 Care Experienced people who took part in our Summer of Participation, your views are informing this campaign. We will create more opportunities for members to engage with the campaign, please keep an eye out for these.

If you are a <u>Corporate Parent</u>, we encourage you to look for ways to create improvements within your organisations. Some examples of what you can do include: introducing policies to treat Care Experience as a protected characteristic; removing all age restrictions when it comes to accessing support; offering employment opportunities with guaranteed interviews for Care Experienced people who meet the job requirements; and creating equality within the Care Experienced community by adopting our inclusive definition of Care Experienced.

You could improve your knowledge of the issues facing Care Experienced people, and your duties as a Corporate Parent, by attending our <u>free training</u>, or consulting our online resources and material.

We need everyone's help to share our campaign calls far and wide. To all our allies and supporters, you can play your part by promoting the campaign within your networks. Visit our website for resources on how to do this and <u>pledge your support as well</u>, and check back for future activities and events.

Together, we can take care of all members of our community, by creating a country where the rights of all Care Experienced people, regardless of their age, can be upheld.





References

Our internal evidence has been drawn from our advocacy data, which includes our National Advocacy Helpline, and our participation work, which includes our Summer of Participation 2023. Over 200 Care Experienced people across the country shared their views through this project. We have also used some more open source materials. These can be seen below.

Open Source Materials:

Barnardos (2021) No Place Like Home. Available at:

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Characteristics-and-Care-Experience-final-draft-5-Feb-2018.pdf

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Community_anon_-April-2020.pdf

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EQUALITY | RESPECT | LOVE

For more information on this report or to request it in a different language or accessible format, please contact our Policy and Public Affairs team on



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